

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.7 of 2019

Arising Out of PS. Case No.-189 Year-2018 Thana- MOUZA HIDPUR District- Bhagalpur

1. Pawan Kumar Thakur, son of Vibhash chandra Thakur, Resident of Village- Aliganj Gangti, P.S- Babarganj , Dist- Bhagalpur
2. Appu Kumar Thakur @ Ratan Kumar Thakur, son of Vibhash Chandra Thakur Resident of Village- Aliganj Gangti, P.S- Babarganj , Dist- Bhagalpur

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Indeshwari Prasad Mandal, Advocate
For the Respondent/s : Mr.Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 24-01-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 20.9.2018 passed by Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in ABP No. 2323 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Mohahidpur (Babarganj) P.S. Case No. 189 of 2018 registered under Sections 363, 365, 34 of the Indian Penal Code and Sections 3(i)(r), 3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation as per FIR is that informant alleged that his son, who is dumb and deaf, was deputed in the house of relative of the appellants as domestic servant and he is traceless and as a matter of fact they have kidnapped his son.

Submission of learned counsel for the appellants is that son of the informant was traceless from the house of their relative and for that they have given information to the police also and his photograph was also distributed



in the locality and as he has not been traced out the present false and concocted case has been filed.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellants, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-III-cum-Special Judge, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S.Case No. 189 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 20.9.2018 is set aside.

(Vinod Kumar Sinha, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

